

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**DOUGLAS N. GAER, Individually and on
Behalf of All Others Similarly Situated,**

Plaintiffs,

v.

**Civil Action No. 3:10-CV-81
(Bailey)**

**AMERICAN PUBLIC EDUCATION, INC., et
al.,**

Defendants.

ORDER ADOPTING JOINT SCHEDULING STIPULATION

Currently pending before this Court is the parties' Joint Scheduling Stipulation [Doc. 47]. On November 10, 2010, this Court issued its Order appointing the Retirement Trust and Douglas Gaer as Lead Plaintiffs. See Doc. 46. On a previous day, this Court approved the parties Stipulation for Extension of Time to Answer, Move or Otherwise Respond [Doc. 9], whereby all parties agreed that within fifteen (15) days from this Court's appointment of Lead Plaintiffs, the parties would submit a proposed scheduling order for this Court's approval. In accordance with this Court's Order, the parties have jointly proposed the following deadlines:

1. Lead Plaintiffs shall file a consolidated complaint within sixty (60) days from the date of this Court's Order approving this Joint Scheduling Stipulation;
2. Defendants shall answer or otherwise respond to the consolidated complaint no later than forty-five (45) days after Lead Plaintiffs' consolidated complaint is filed;

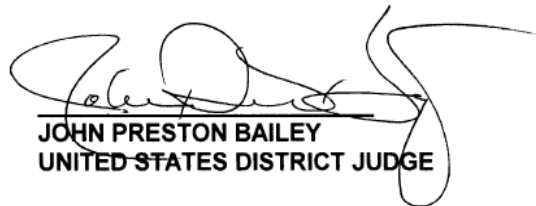
3. If the defendants' response to the consolidated complaint is a motion to dismiss, Lead Plaintiffs shall respond to the motion to dismiss within forty-five (45) days after it is filed; and
4. If the defendants file a motion to dismiss, the defendants shall file their reply in support of that motion within twenty (20) days after Lead Plaintiffs file a response.

This Court, having reviewed the above-proposed scheduling deadlines is of the opinion that the same should be, and hereby are **ORDERED ADOPTED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

It is so **ORDERED**.

DATED: November 17, 2010.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE